

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY
BOARD MEETING
October 28, 2013**

A regular meeting for the Kentucky Board of Licensure for Massage Therapy was held at the Office of Occupations and Professions, located at 911 Leawood Drive, Frankfort, KY, 2013.

MEMBERS PRESENT

Tom Hansen, LMT Chair
Cheryl Turner, ND, Vice Chair
Eric Byrd, LMT
Denise Logsdon, LMT, Secretary
Laurie Bond Horsford, Citizen-at-Large
Katherine Warner, LMT

MEMBERS ABSENT

None

OCCUPATIONS AND PROFESSIONS STAFF ,
Carolyn Benedict, Board Administrator

OFFICE OF THE ATTORNEY GENERAL
Michael West, Assistant Attorney General

OTHERS
Cynthia Thornburg Schnell, AMTA L&L Chair

CALL TO ORDER

Mr. Hansen, Chair, called the regular business meeting to order at 10:04 a.m.

MINUTES

Ms. Logsdon made a motion to approve the minutes from September with amendments. Ms. Horsford seconded the motion. The motion carried unanimously

FINANCIAL STATEMENT

Ms. Logsdon made a motion to accept the financial statement as submitted. Ms. Turner seconded the motion. The motion carried unanimously.

ATTORNEY REPORT

Mr. West presented draft letters written to the Boards of Chiropractor and Physical Therapy with regard to chiropractic assistants and physical therapy assistants performing acts that may fall within the scope of practice of a massage therapist. Upon review they were found to be correct and Ms. Benedict was asked to put them on the Board's letterhead and mail them.

Email correspondence from Collette Wilson with regard to the Affordable Care Act was reviewed. After discussion, Ms. Turner made a motion that the Board does consider Licensed Massage Therapists to be healthcare providers but understands that it cannot make this determination alone in the context of the Affordable Healthcare Act. Mr. Byrd seconded the motion and it carried unanimously. The Board asked Mr. West to draft a response to Ms. Wilson.

REPORT FROM O&P

Ms. Benedict reported that the Commonwealth Office of Technology was continuing to work on the database project and positive progress is being made. It was all reported that the necessary hardware was being installed to provide board members with wireless access. Log-in information will be provided when it becomes available.

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OLD BUSINESS

The Policies and Procedures Manual was reviewed and discussed at length and minor revisions were done. Everyone was asked to make certain they sent the remaining additions to her so she can get the Manual in its final format.

NEW BUSINESS

Email correspondence from Sheila Megan Harlan was reviewed and discussed. Ms. Harlan had emailed Ms. Logsdon asking questions with regard to the therapeutic massage of mammary tissue. Ms. Logsdon had drafted a reply to Ms. Harlan and was asking for Board input, as well as, legal guidance in the matter. Ms. Logsdon's reply stated that there is nothing in the Kentucky laws and regulations that prohibited breast tissue massage. However, there is plenty of room in the laws and regulations for the board to pursue someone who abuses this approach. The law does allow the board to fine and take action against the license of an LMT "Having sexual contact as defined by KRS510.010(7) with a client... [KRS309.362(1)(e)] KRS 510.010(7) is one of a list of possible sexual contacts, this one specifically defined as: "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party;

KRS309.362(1)(g) allows the board to take action if it is found that there is "Evidence of gross negligence or gross incompetence in the practice of massage therapy." 201KAR42:060 Section 1(2),(6), (7),(9),(10),(11),(12) and (16) also say the LMT will not engage in sexual contact or any activity not in the best interest of the client, and will inform the client of procedures and methods to be employed in the session, represent his/her training to use those approaches honestly, respect the client's right to informed consent (either written or verbal), respect client's right to refuse or terminate the treatment, respect the client's boundaries as far as exposure and their "reasonable expectations of professional behavior" and perform only services for which you are trained for. Ms. Logsdon's reply also cautioned Ms. Harlan if she was going to teach this to other LMT's. She stated that Ms. Harlan may decide that it is not her responsibility what people do with training she present. And that she may want to develop an ethics lesson within the course. Ms. Logsdon also added that responsible marketing of the course would be advisable, and in order for it to be given for state-required CE's, she would need board approval of the course or NCBTMB approval. Following discussion and review of Ms. Logsdon's response, Mr. Byrd made a motion that Ms. Logsdon be allowed to send her response to Ms. Harlan as written. Ms. Warner seconded the motion. The motion carried unanimously. Mr. West suggested the board consider putting this into a regulation change

Ms. Logsdon reported on the FSMTB general meeting she attended in Baltimore. Reports were given at the meeting on current trends in massage as far as customer satisfaction, injuries, and education. Ms. Logsdon will develop a newsletter article for the Board. The work of the Licensure Renewal Committee continues and was well received by the general assembly, and the Board should be able to view a roll out of the proposal for licensure renewal early in 2014.

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COMPLAINT COMMITTEE REPORT

Mr. Byrd made the following recommendations and report on behalf of the Complaint Committee:

2011-05 – Filed Civil Suit for Injunction – Request additional investigation – Investigator to follow-up

2012-01 – Ongoing

2012-10 – Ongoing

2012-12 – Ongoing

2012-17 – Ongoing

2012-18A } Ongoing

2012-18B }

2013-01 – Ongoing

2013-03 – Ongoing

2013-07 – Dismissed. Lack of evidence to support a complaint.

2013-08 – Ongoing

2013-10 – Dismissed. Lack of evidence to support a complaint.

2013-11 – Ongoing

2013-12 – Dismissed.

2013-13 – Ongoing

2013-14 – Ongoing

2013-15 - Ongoing

2013-16 – Ongoing. Referred to investigator.

2013-17 – Ongoing

Ms. Logsdon made a motion to accept the recommendation of the complaint committee. Ms. Horsford seconded the motion. The motion carried unanimously.

APPLICATION COMMITTEE REPORT

The Application Committee met on October 23, 2013 at 10:00 a.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky. All members, and Mr. West were present with one interview being done. On behalf of the Committee Ms. Warner made the following recommendation:

Initial Applications (24)

Approved (23): *Melissa Baldwin, Emily Burks, Kristal Cameron, Megan Coker, Jennifer Crain, Cheri Ensor, Stephanie Ferguson, Elizabeth Goschke, Arielle Hair, Robert D. Harris, Jamie Johns, Yu Rong Ma, Jacqueline R. Mattingly, Judy Morgan, Michael J. Read, Sonya D. Reynolds, Benjamin Rowland, Martin G. Smith, Heather Spears, Amber Tucker, Kayla Weathers, Zachary Wilson, Debora Jordan-Webb*

Deferred (1): *Jennifer Coleman*

Endorsements (5)

Approved (5): *Kelly Reeder, Morgan Robinson, Jorge Ruiz, Holly Williams, Maria Garcia*

Renewals (97)

Approved (90): *Michael Adams, Renee T. Anderson, Ashlie Ausbrooks, Angela Babb, Mark Balph, Kathryn Bashore, Lee Bay, Terri Belmer, Kelli Biggerstaff, Tonya Billiter-Lindsey, Katherine Blevins, Yvette Boggs, Nichole Brickler, Gregory Brown, Amy Brunstetter, Holly Burden, Katie Chasteen Mason, Jessica Clemons,*

Emily Clifton, Tonja Cline, George Collins, Christopher Conley, Polly Courter, Kelli Cramer, Amy Crecelius, Kimberly Crowe, Jaime Devine, Marie Dielman, James Duff, Angela Ellis, Aleah Evans, Bobby Farmer ,

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Lakesha Ferguson, Genevieve First, Terri Garrelts, Hilary Gauntt, Elizabeth Gehrke, Kristi Goad, Kandi Gonzales, Maria Green, Michelle Hager, Deana Hall, Candice Hayes, Teri Hehemann, Megan Holland, Tim Hollon, Erin Hughes, Kimberlee Jerles, James Johnson, Sherry Kesssee, Christine Kiely-Granstaff, Anthony Knight, Michelle Koenigsknecht, Carol Krueger, Amy Lack, Barbie Layne, Lilia Linton, Tabitha J. Lipps, Alejandrina Main, Melissa Manning, Cathy Mayne, Hanna McAllister, Jennifer Moorman, Scott Nelton, Katie Oakley, Adria Parsons, Shellie Patterson, Lisa Peters, Ellen Pharis, Ashley Pollitt, Bryan Purvis, Brittany Raney, Sherry Rayhill, Amanda Robertson, Cameron Shanks, Megan Schmidt, Elizabeth Schrock, Ashley Schultz, Donna Shriver, Jeremy Smith, Kristi Smith-Sallee, Beverly Sneed, Jordan St. John, Rosetta Todd, Starla Walker, Carmeline Willoughby, Agnes Wilson, Megan Wilson, Jessica Woodrum, Kristina Zeigler,

Pending (4): *Chad Blackwell, Robert Frye, Mary Klopp, Joseph Thompson*

Deferred (2): *Amy Daniel, Jack Riley*

Preliminary determination of denial (1): *Colleen Childers-Fogerty*

Ms. Turner made a motion to accept the recommendation of the committee. Mr. Byrd seconded the motion. The motion carried unanimously.

EDUCATION COMMITTEE REPORT

Application for Renewal of School in Good Standing (1):

Approved (1): *Spencerian College, Louisville Campus*

Application for Continuing Education

No applications submitted

Ms. Turner made a motion to accept the recommendation of the Application and Education Committees. Mr. Byrd seconded the motion. The motion carried unanimously.

TRAVEL AND PER DIEM

Ms. Turner made a motion that all board members in attendance be reimbursed travel and per diem for attending the meeting and retreat. Mr. Byrd seconded the motion. The motion carried unanimously.

2014 MEETING SCHEDULE

Ms. Logsdon made a motion to accept the 2014 meeting schedule as follows:

Application Review (all at 10 a.m. unless specified otherwise):

January 22, 2014

February 19, 2014

March 26, 2014

April 23, 2014

May 21, 2014

June 25, 2015

July 23, 2015

August 20, 2014

September 24, 2014

October 22, 2014

November 19, 2014

December 29, 2014 (Combined with regular meeting) Application Review to begin at 9:30)

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Regular Board Meetings and Complaint Committee Meetings (all complaint committees to begin at 8:00 a.m. and all board meetings will begin at 9:00 a.m. unless otherwise specified):

January 27, 2014

February 24, 2014

March 31, 2014

April 28, 2014

May 27, 2014

June 30, 2014

July 28, 2014

August 25, 2014

September 29, 2014

October 27, 2014

November 24, 2014

December 29, 2014 (Combined with committee meetings) Application Committee scheduled to begin at 9:30 a.m.; Complaint Committee scheduled to begin at 11:30 a.m.; Board Meeting scheduled to begin at 12:30)

Ms. Turner seconded the motion. The motion carried unanimously.

NEXT MEETING

The November application committee will meet at 10:00 a.m. on November 20, 2013. The Complaint Committee is scheduled to begin at 8:00 a.m. on November 20, 2013 and the Board meeting will begin at 9:00.

The December meeting has been scheduled for Monday, December 30, 2013. The Application Committee is scheduled to begin at 9:30, Complaint Committee will begin at 11:30, and the Board Meeting will begin at 12:30.

ADJOURNMENT

Having no further business to be brought before the Board Ms. Logsdon made a motion to adjourn the meeting at 1:00 p.m. Mr. Byrd seconded the motion. The motion carried unanimously.

Approved November 25, 2013